

**POTTAWATTAMIE COUNTY
BOARD OF ADJUSTMENT MINUTES
THURSDAY, APRIL 28, 2016
SUPERVISORS' HEARING ROOM-COUNTY COURTHOUSE
227 SOUTH 6TH STREET, COUNCIL BLUFFS, IOWA**

1. CALL TO ORDER

Chairman White called the meeting to order at 5:30 P.M.

2. ROLL CALL

Members Present: Genereux, White, Wichman, Huerter, Pierce

Staff Present: Kalstrup, Wyant

3. MINUTES

Motion #1: to approve the Minutes of December 17, 2015.

Motion by: Wichman.

Second by: Huerter.

Vote: Unanimous. Motion carried.

4. ELECTION OF OFFICERS

• Chairman

Genereux nominated White for Chairman, which was seconded by Huerter.

Pierce moved that nominations cease, which was seconded by Wichman.

By acclamation, White was elected Chairman of the Zoning Board of Adjustment for 2016.

• Vice-Chairman

Genereux nominated Wichman for Vice-Chairman, which was seconded by Pierce.

Wichman moved that nominations cease.

By acclamation, Wichman was elected Vice-Chairman of the Zoning Board of Adjustment for 2016.

5. 2016 MEETING SCHEDULE

Motion #2: to approve the 2016 Meeting Schedule.

Motion by: Genereux.

Second by: Wichman.

Vote: Unanimous. Motion carried.

6. PUBLIC HEARING

The Chairman read a statement advising the audience that the public hearings would be conducted in accordance with the Board's Rules of Procedure.

CASE #ZV-2016-01

PROPERTY OWNER: Marlene K Jenkins

REQUEST: A 15' front yard setback variance to allow the construction of a detached portable carport with a 35' front yard setback in lieu of a 50' front yard setback.

TOWNSHIP: Lewis

STREET: 15988 Crystal Ln

LEGAL DESCRIPTION: 5-74-43 Aud Sub W1/2 NE E245' W652' N 100' Lt

Motion #3: to open the public hearing on Case #ZV-2016-01.
Motion by: Genereux.
Second by: Huerter.
Vote: Unanimous Vote. Motion Carried.

Motion #4: to close the public hearing on Case #ZV-2016-01.
Motion by: Wichman.
Second by: Pierce.
Vote: Unanimous Vote. Motion Carried.

Motion #5: to deny the request of Marlene K Jenkins for a 15' front yard setback variance to allow the construction of a detached portable carport with a 35' front yard setback in lieu of a 50' front yard setback, as filed under Case #ZV-2016-01, subject to the following conditions:

Based on the following findings of fact:

1. The Zoning Ordinances establishes criteria for granting variances. No evidence was submitted which would support the granting of the requested variance. Granting of a variance without justification would result in a precedence being established that would undermine the intent and spirit of the Zoning Ordinance.
2. There is an alternative site that would provide same access to the home and meet the setback requirements of the Zoning Ordinance.

Motion by: Wichman.
Second by: Pierce.
Vote: Unanimous Vote. Motion Carried.

CASE #ZV-2016-02

PROPERTY OWNER:

APPLICANT:

REQUEST:

Casey's General Stores

Henn Signs LLC

A zoning variance to allow the construction of a free-standing sign that would make the total surface area of all signs on the lot six hundred fifty two (652) square feet in lieu of the maximum area of four hundred (400) square feet and that has a height of sixty five (65) feet in lieu of the maximum forty five (45) feet.

TOWNSHIP:

STREET:

LEGAL DESCRIPTION:

Minden

33280 335th St

3-77-41 PT NE SW & PT SE SW COMM 1392.6'N & 77'W
S1/4 COR TH S140' W290' NWLY285'N450'ELY339.3'
SELY132' SLY101.99' S292.03'TO POB (INCLUDES
PARCELS A & B NE SW)

Motion #6: to open the public hearing on Case #ZV-2016-02.
Motion by: Genereux.
Second by: Huerter.
Vote: Unanimous Vote. Motion Carried.

Motion #7: to open the public hearing on Case #ZV-2016-02.
Motion by: Wichman.
Second by: Pierce.
Vote: Unanimous Vote. Motion Carried.

Motion #8: to approve the zoning variance to allow the construction of a free-standing sign that has a height of sixty five (65) feet in lieu of the maximum forty five (45) feet, (It was determined that the total surface area of all signs on the lot is a maximum area of four hundred (400) square feet so the variance request was not necessary), as filed under: Case #ZV-2016-02, subject to the following conditions

Based on the following findings of fact:

1. The topography of the interchange does put this site at a disadvantage in being seen from the I-80 east traffic flow.

Motion by: Wichman.
Second by: Pierce.
Vote: Unanimous Vote. Motion Carried.

7. ADJOURNMENT

Motion #9: to adjourn.
Motion by: Wichman.
Second by: Pierce.
Vote: Unanimous. Motion carried.

The meeting was adjourned at approximately 6:50 P.M.

APPROVED: _____
Tim White, Chairman Date

ATTEST: _____
Matt Wyant, Planning Director
Planning & Development